

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ELMUTAZ OSMAN,

Plaintiff,

v.

No. 20-cv-11356-NMG

WILLIAM DWAN, EDWARD GLEESON,
MICHAEL O'HARA, THE CITY OF
BOSTON, and JOHN DOES 1-5,

Defendants.

REPORT AND RECOMMENDATION ON DEFENDANTS'
MOTIONS TO DISMISS

CABELL, U.S.M.J.

Plaintiff Elmutaz Osman has brought several claims against eight Boston Police Department (BPD) officers and the City of Boston (the City) for allegedly subjecting him to a baseless car stop and malicious prosecution. The City (D. 12) and three of the officers, including Detective Michael Dwan (D. 14), Officer Edward Gleeson (D. 16) and Lieutenant Michael O'Hara (D. 18), move to dismiss or partially dismiss the complaint pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim upon which relief can be granted.¹ For the reasons that follow, I recommend that the City's motion be allowed and that each of the three officers' motions be allowed in part and denied in part.

¹The other five officers have not yet been identified or served. None of the motions seek relief on their behalf and the court does not address the merits of any claims against them.

*After consideration of defendants' objection thereto (Docket No. 30),
Report and Recommendation is accepted and adopted.
JLM/Boston, USDT 09/10/2021*